(1) SINGLE BENCH (6)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

W.P. (C) No.5939 / 2006

Petitioner : Lal Bahadur s/o Shri Motilal Plot No. 48 M.P. Nagar, Kosabadi, Korba [C.G.] Licensee for Country & Foreign Liquor, BALCO Group of Shops for the year 2006-2007.

Versus

Respondents 1) State of Chhattisgarh through The Secretary Department of Excise & Commercial Tax, Secretariat, DKS Bhawan Raipur, [C.G.]

2) Excise Commissioner, Govt. of Chhattisgarh, Secretariat, DKS Bhawan, Raipur [C.G.]

3) Assistant Commissioner of Excise, Korba [C.G.]

4) The Collector Korba, District Korba [C.G.]

P.R. No. 5072/06
Presented by Shri Kunal Das
dated 30-10-06

RECEIVED-COPY
31/10/06
CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-22

(KC)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.(C).No.5939/06 **सन् 200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

21/12/2006

Shri P.K. Bhaduri, counsel for the petitioner.

Shri N.K. Agrawal, Deputy Advocate General for the respondents/State.

Heard.

Petitioner was granted a licence for country liquor shops for a period of one year beginning from 01/04/2006 to 31/03/2007, but vide this Court's order dated 13/04/2006 passed in Writ Petition No. 1933/2006 which reads as below, he could not establish his liquor shop.

"13/04/2006

W.P.NO. 1933/2006 & M(W).No. 1473/2006

Heard Shri Abhishek Sinha, learned counsel for the petitioner.

Notice re-rule.

Shri Yashwant Singh, learned Govt. Advocate assisting Shri Prashant Mishra, learned Addl. Advocate General takes notice for respondents 1 to 7.

Issue emergent notice to respondent no.8, as per rules.

List this writ petition on 19th April 2006. In the meanwhile the 8th respondent is directed not to take any further steps to establish the shop in pursuance of the impugned licence.

M.W.P.No.1473/2006 and I.A.No.3829/2006, stand disposed of.

Parties are entitled for certified copy of this order today itself".

According to terms of the contract, petitioner is required to pay the security amount and licence fee in monthly instalments. Security amount is required to be deposited against the liquor supplied by the Government to him for sale.

The instant petition has been filed for a direction to the respondents not to realize the licence fee and security amount as per the terms of the contract.

In Writ Petition No. 1933/2006 State of Chhattisgarh, Excise Department, Collector, Korba, other sub-ordinate officers of the State as well

1/12/06

XI-HC-22

(102)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	petitioner are parties. If petitioner, who is respondent No. 8 in W.P.No.1933/2006, is unable to operate his shop as a result of stay order dated 13/04/2006 passed by this Court in W.P.No.1933/2006 and the said petition is still pending, for relief to avoid payment of licence fee and security amount, respondent No. 8 should have moved appropriate application in W.P.No. 1933/2006 for modification of earlier order dated 13/04/2006 passed by this Court or for a direction to State not to realize the licence fee and security amount, but instead of taking those steps in Writ Petition No.1933/2006, respondent No.8 has independently filed the instant petition. I am of the opinion that in these circumstances, an independent writ petition or any independent direction in this writ petition does not lie. With the aforesaid observations, this writ petition is dismissed. However, petitioner, if advised, may take steps in W.P.No.1933/2006 for modification of this Court's order dated 13/04/2006 or for appropriate others directions *inter se* amongst the parties. In the light of above order, M.W.P.No.4441/2006 and I.A No. 10361/2006 for urgent hearing stand disposed of. Sd/- V.K. Shrivastava Judge	

Raju

(पीछे देखिये)